

REMARKS

Claims 1-8 and 10-15 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Park (US 2004/0100191).

Applicants respectfully traverse the rejection for at least the following reasons.

Applicants' remarks regarding the provisional obviousness-type double patenting rejection are based upon Park (US 2004/0100191) instead of copending U.S. Patent Application No. 10/716,438 since Park was published prior to issuance of the outstanding Office Action and since the present status of U.S. Patent Application No. 10/716,438, as processed by the USPTO, is unobtainable. Applicants have concurrently filed herewith an Information Disclosure Statement citing Park.

With regard to claims 1-8 and 10-15, the Office Action acknowledges that none of claims 1-8 are identical to any of claims 4 and 6-12, respectively. Similarly, the Office Action acknowledges that none of claims 10-15 are identical to any of claims 2, 5, and 27. Accordingly, the Office Action relies upon the reasoning that the claims "are not patentably distinct from each other because the pad of the current application is synonymous with the common electrode of the copending application." Thus, although not explicitly set forth, the Office Action apparently alleges that it would have been obvious to modify Park to arrive at Applicants' claimed invention, as recited by claims 1-8 and 10-15. Applicants respectfully disagree.

Initially, Applicants respectfully assert that the features recited by independent claim 1 of Park fail to include every feature of Applicants' independent claim 1, as set forth below.

As a first example, independent claim 1 of Park recites "a first peripheral region at one side of the display area." In contrast to Park, Applicants' independent claim 1 recites "a peripheral region *surrounding* the plurality of pixel regions."

As another example, independent claim 1 of Park recites “a second connection electrode connected to the first common electrode at the first peripheral region.” In contrast to Park, Applicants’ independent claim 1 recites “a second connection electrode structure connected to the first pad, *the second connection electrode structure being the same as the first connection electrode structure.*”

As another example, independent claim 1 of Park recites “a first electrode on an entire inner surface of the second substrate.” In contrast to Park, Applicants’ independent claim 1 recites “a first electrode on an entire inner surface of the second substrate, *the first electrode being connected to the second connection electrode structure.*”

Accordingly, Applicants respectfully assert that Park lacks even more features than the Office Action has identified. Furthermore, Applicants respectfully assert that the Office Action has failed to establish a *prima facie* case of obviousness with regard to the combination of features recited in each of at least independent claims 1 and 12. Specifically, Applicants respectfully assert that the Office Action has failed to employ the proper factual analysis in determining obviousness-type double patenting.

As pointed out in M.P.E.P. § 804(II)(B)(1), “[s]ince the analysis employed in an obviousness-type double patenting determination parallels the guidelines for a 35 U.S.C. § 103(a) rejection, the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103 are employed when making an obvious-type double patenting analysis.” Accordingly, Applicants respectfully submit that the factual inquiries set forth in *Graham v. John Deere Co.* have not been properly applied with respect to claims 1-8 and 10-15. Thus, Applicants respectfully assert that the provisional rejection of claims 1-8 and 10-15 under the

judicially created doctrine of obviousness-type double patenting is improper since no reasons have been provided “why a person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.” If the Office Action is relying on some other rationale, Applicants traverse such an assertion and requests evidence of such other rationale set forth by M.P.E.P. § 2144.03.

For the reasons set forth above, Applicants respectfully request that the provisional rejection of claims 1-8 and 10-15 under the judicially created doctrine of obviousness-type double patenting be withdrawn.

Claims 1-3, 5-8, and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gourlay (WO 02/078101). Applicants respectfully traverse the rejection for at least the following reasons.

Initially, the Office Action alleges that the transparent electrode 8 and the thin layer 12 of reactive low work function metal in FIGs. 2 and 3 of Gourlay are the same as Applicants’ claimed “first” and “second” connection electrode structures, respectively, as recited by independent claims 1 and 12. Applicants respectfully disagree.

Independent claim 1 recites an organic electroluminescent display device including, in part, first and second connection electrodes, wherein “the second connection electrode structure being the same as the first connection electrode structure.” In contrast to Applicants’ claimed invention, the transparent electrode 8 in FIG. 2 of Gourlay is purposely formed to extend along an entire surface of the transparent substrate 7, whereas each of the thin layers 12 of reactive low work function metal in FIG. 3 of Gourlay are purposely formed between adjacent walls 9 of light-absorbing, electrically insulating material. Accordingly, Applicants respectfully assert that the transparent electrode 8 and the thin layer 12 of reactive low work function metal in FIGs. 2

and 3 of Gourlay are completely different structures. Thus, Applicants respectfully assert that Gourlay is completely silent with regard to first and second connection electrodes, wherein “the second connection electrode structure being the same as the first connection electrode structure,” as recited by independent claim 1, and hence dependent claims 2-11.

The Office Action acknowledges that “Gourlay does not appear to specify the circuit elements for powering the first electrode and the connection of that element to the first electrode.” Accordingly, the Office Action relies upon reasoning that “power for the first electrode would advantageously come for a contact point outside of the display area so as not to interfere with the active elements or cause unnecessary capacitance.” Thus, the Office Action concludes that “[f]or these reasons it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a contact pad on the first substrate that is connected with a second connection electrode structure to the first electrode in the device as disclosed by Gourlay.” Applicants respectfully disagree.

Applicants respectfully assert that the Office Action’s alleged motivation to modify Gourlay (i.e., power for the first electrode would advantageously come from a contact point outside of the display area) is neither taught nor suggested anywhere in Gourlay. For example, Gourlay clearly shows, in FIG. 2, electrode contact pads 16 disposed at opposing end portions of the second substrate 15 that includes the active matrix pixel circuitry 14, wherein the discrete electrical connection 17 electrically interconnects the transparent electrode 8 and the active matrix pixel circuitry 14 at the end portions of the second substrate 15.

Moreover, contrary to the Office Action’s allegations, Applicants respectfully assert that Gourlay *does not* “specify that all electrical connections are made between the first and second substrates.” Specifically, Applicants respectfully assert that Gourlay omits how electrical signals

are provided to all of the electrical connections. Thus, the Office Action's reasoning that power for the transparent electrode 8 would somehow be provided from a contact point outside of the display area is completely unsupported by Gourlay. Therefore, Applicants respectfully assert that the Office Action fails to establish a *prima facie* case of obviousness with regard to the combination of features recited by independent claim 1, and hence dependent claims 2-11.

MPEP 2143.01 instructs, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention, where there is some teaching, suggestion or motivation to do so found in either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art." Moreover, MPEP 2143 instructs that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless that prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)." Accordingly, Applicants assert that the Office Action has not provided any motivation for one of ordinary skill in the art to modify the teachings of Gourlay to achieve the invention of independent claim 1, as detailed above, and hence dependent claims 2-11. Thus, since the Office Action fails to meet the requirements for establishing a *prima facie* case of obviousness as to independent claim 1, claim 1, and hence dependent claims 2-10, are not obvious.

In accordance with the above remarks, Applicants respectfully assert that the rejection under 35 U.S.C. § 103(a) should be withdrawn because Gourlay neither teaches nor suggests the novel combination of features of independent claim 1, and hence dependent claims 2- 10.


CONCLUSIONS

In view of the foregoing, Applicants respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner believe that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,
MORGAN, LEWIS & BOCKIUS LLP

By: _____


David B. Hardy
Reg. No. 47,362

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Customer Number: 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004
202-739-3000